IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3147 OF 2004

IN

SUIT NO.1242 OF 2001

...

Surendra Bansilal Oza ...Plaintiff

v/s.

Mishrilal B. Oza & ors. ...Defendants

...

Mr.E.K.Sasidharan for the Plaintiff.

None for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 9TH SEPTEMBER,2005

P.C.:

1. Perused the order dated 21st November, 2002. By that order the Defendant No.1 was directed to pay Rs.600/- to the Plaintiff.

2. Plaintiff has made a statement on oath that the Defendant No.1 has not paid him anything after 22-10-2002. The learned Counsel appearing for the Plaintiff states that the Defendants have been served. He undertakes to file affidavit of service within one week from today. Defendants are not appearing. They have also not filed any affidavit in reply. In the absence of any affidavit in reply, accepting the averments made in the affidavit filed in support of the Notice of Motion, Notice of Motion is granted in terms of prayer clause (b) excluding the bracketed portion.

3. It is directed that the Receiver shall not take physical possession of the shop from the Defendant No.1. Initially, the Receiver shall call for bids from the Plaintiff and Defendants for being appointed as agent of the Receiver. Successful bidder be appointed as agent of the Receiver on usual terms and conditions including royalty and security. Motion disposed of.

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